

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. David Diaz Jr.

Docket No. 4:12-CR-65-2D

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of David Diaz Jr., who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute 5 Kilograms or More of Cocaine, 21 U.S.C. § 846, and Possession With the Intent to Distribute 500 Grams or More of Cocaine and Aiding and Abetting, 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on January 13, 2014, to the custody of the Bureau of Prisons for a term of 78 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On February 13, 2017, pursuant to 18 U.S.C. § 3582(c)(2), the defendant's sentence was reduced from 78 months imprisonment to 63 months, on Counts 1 and 2, to run concurrently.

David Diaz Jr. was released from custody on February 14, 2017, at which time the term of supervised release commenced in the Middle District of Florida.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 6, 2017, Mr. Diaz admitted verbally that he used marijuana several times between May 29 and June 4, 2017. The defendant's supervising officer, Trindle Hough Smith, reported that the defendant was admonished and warned him that further illicit drug use would not be tolerated. He was then enrolled in an outpatient substance abuse treatment program consisting of individual counseling and random urinalysis. Additionally, due to the defendant stating he is having anxiety issues, his supervising officer is requesting that the defendant's conditions of supervised release be modified to include mental health treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

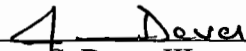
/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8678
Executed On: July 06, 2017

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ORDER OF THE COURT

Considered and ordered this 7 day of July, 2017, and ordered filed and made a part of the records in the above case.



James C. Dever III
Chief U.S. District Judge